

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Camplands Water LLC for an Increase in its) Case No. 13-1690-WW-AIR
Rates and Charges.)

ENTRY ON REHEARING

The Commission finds:

- (1) On June 4, 2014, the Commission issued an Opinion and Order granting in part an application filed by Camplands Water LLC (Camplands) seeking an increase in rates and charges for water service to its customers Holiday Camplands Association (Holiday) and Lake Village Club, Inc. (Lake Village).
- (2) R.C. 4903.10 states that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined in the proceeding by filing an application within 30 days after the entry of the order upon the journal of the Commission.
- (3) On July 7, 2014, Holiday filed an Application for Rehearing containing one assignment of error. In its Application for Rehearing, Holiday states that the Commission's Opinion and Order is unreasonable and unlawful because it adopts the Staff's recommendation on the collection of miscellaneous charges and directs Camplands to choose how it will implement the collection of miscellaneous charges. Holiday explains that the Staff Report identified three charges--reconnection, winterization, and winterization valve--as miscellaneous charges. While under contract, Holiday lot owners and Lake Village campers dealt directly with Camplands for the miscellaneous charges. Holiday states that Staff determined that the Commission did not have jurisdiction over the lot owners at Holiday or the campers at Lake Village. For this reason, Staff opined that the arrangement could not continue.

Staff proposed three alternatives: 1) Camplands could provide the service to Holiday and Lake Village and Holiday and Lake Village would manage the payments and details, 2) Camplands could create a separate business to provide the service to

Holiday lot owners and Lake Village campers, or 3) an independent, outside business could provide the service. In its objections to the Staff Report, Camplands agreed that all three options are viable options for collecting miscellaneous charges but Camplands did not agree with the Staff's recommendation that the company follow recommendation number one. The Opinion and Order noted that Camplands objected to the first alternative and directed that Camplands specify which option that it intends to choose for each miscellaneous charge and inform Staff. Holiday states that it relied on Campland's rejection and did not raise the issue of miscellaneous charges at the hearing. Since the hearing, Holiday has been informed that Camplands is going to choose the first option, requiring Holiday to manage the details with its lot owners, a matter that it would have contested at the hearing. Holiday urges the Commission to deny Camplands the authority to choose the first option.

- (4) No party filed a memorandum contra the Application for Rehearing.
- (5) Holiday's Application for Rehearing should be denied. Holiday had notice that Staff's first alternative was still at issue at the hearing and cannot claim surprise. In its objections to the Staff Report, Camplands agreed that the Staff's three alternatives were viable. Moreover, Camplands witness Anthony J. Yankel discussed the three alternatives at the hearing and acknowledged that all three options were viable (Tr. 45-46). After additional redirect by Camplands' counsel, counsel for Holiday declined an opportunity to cross examine the witness (Tr. 48). Thus, Holiday had an opportunity to explore these alternatives and contest their viability at the hearing.

Moreover, in its objections, Holiday challenged Staff's assertion that the Commission has no jurisdiction over lot owners, in effect challenging each of the three alternatives. Holiday, however, chose not to raise this argument at the hearing or by brief.

Holiday has failed to establish a convincing argument that would cause the Commission to bar Camplands from selecting any of three viable options for collecting miscellaneous charges

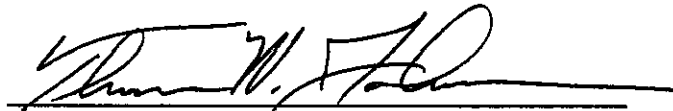
from lot owners and campers. Holiday had the opportunity and could have addressed the issue at the hearing or by brief but declined to do so. There is nothing in the record that prohibits Camplands from choosing any of the options presented by Staff. Consequently, Holiday's application for rehearing should be denied.

It is, therefore,

ORDERED, That the Application for Rehearing filed by Holiday be denied. It is, further,

ORDERED, That a copy of the Entry on Rehearing be served upon all parties and interested persons of record.

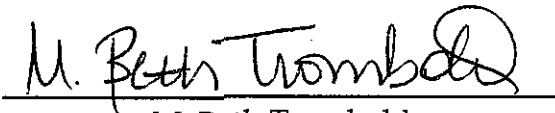
THE PUBLIC UTILITIES COMMISSION OF OHIO



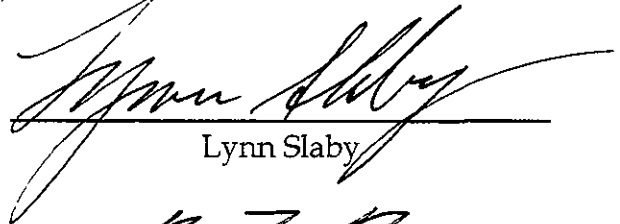
Thomas W. Johnson, Chairman



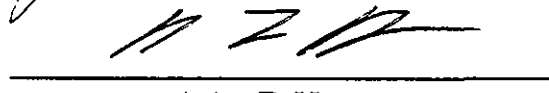
Steven D. Lesser



M. Beth Trombold



Lynn Slaby

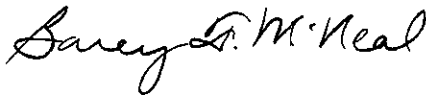


Asim Z. Haque

LDJ/vrm

Entered in the Journal

AUG - 6 2014



Barcy F. McNeal
Secretary